

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

PAMELA JEAN EMIGH,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:14-CV-36
(JUDGE GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble [ECF 31], filed on January 12, 2015, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, failure to file objections to the magistrate judge’s proposed findings and recommendation permits the district court to review the recommendation under the standards that the district court believes are appropriate, and, under these circumstances, the parties’ right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825 (E.D. Cal. 1979).

Pursuant to Judge Trumble’s R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6(d), objections were due fourteen days plus three days after entry of the R&R, or January 29, 2015. Accordingly, because no objections have been filed, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that the magistrate

judge's Report and Recommendation should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. This Court **DENIES** the Plaintiff's Motion for Summary Judgment [ECF 13] and **GRANTS** the Commissioner's Motion for Summary Judgment [ECF 17]. Accordingly, this Court **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be **STRICKEN FROM THE DOCKET OF THIS COURT**. The Clerk is **DIRECTED** to enter judgment in favor of the Commissioner.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: February 10, 2015


GINA M. GROH
UNITED STATES DISTRICT JUDGE